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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/911,016	07/20/2001	James E. Hanson	YOR920010393US1	3501
35526	7590	01/24/2007		
DUKE. W. YEE			EXAMINER	
YEE & ASSOCIATES, P.C.			KARMIS, STEFANOS	
P.O. BOX 802333				
DALLAS, TX 75380			ART UNIT	PAPER NUMBER
			3691	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/24/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No. 09/911,016	Applicant(s) HANSON ET AL.	
	Examiner Stefano Karmis	Art Unit 3691	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 November 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

1. The following communication is in response to Applicant's amendment filed 09 November 2006.

Status of Claims

2. Claims 1-30 are currently pending.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1-30 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 1, it is unclear whether the first level services and second level services have any function when performing the transaction based on bounds determined by the first client. The steps of providing first and second level services are mutually exclusive from the step of facilitating a transaction and therefore the function in the claim is unclear. For Examination purposes, the steps of providing first level services and second level services is not related to the bounds in which the transaction takes place, set by the first client. Independent claims 11 and 21 are rejected under similar reasoning. Claims 2-10, 12-20 and 22-30 are

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rejected based on their dependency and for failing to reconcile how the first and second level services relate to facilitating the transaction.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1-5, 8-15, 18-25 and 28-30 are rejected under 35 U.S.C. 102(e) as being anticipated by Clemens et al. (hereinafter Clemens) U.S. Publication 2002/0111915.

Regarding claim 1, Clemens teaches a method for providing electronic business functions for a business client, the method comprising:

providing, on a data processing system, first level services for a business client (page 9, paragraph 0081-0083 and page 10, paragraph 0087);

providing, on the data processing system, second level services for the first business client (page 10, paragraph 0087-0088);

facilitating a transaction between the first business client and a third party business on behalf of the first business clients wherein the parameters defining the bounds in which the transaction takes place are determined by the first business client (page 10, paragraph 0091).

Claim 2, wherein the data processing system is a plurality of networked data processing system (page 4, paragraphs 0039).

Claim 3, wherein the first level services include at least one of providing storage, providing network connectivity, web hosting, and providing processing capability (page 9, paragraph 0081-0083 and page 10, paragraph 0087).

Claim 4, wherein the second level services include at least one of providing inventory management services, providing accounting services, providing pricing services, and providing billing and collection services (page 10, paragraph 0087-0088).

Claim 5, wherein the third party business is a second business client (page 4, paragraph 0041).

Claim 8, wherein negotiations resulting in a service level agreement between a host of the first and second level services based upon the fulfillment of criteria specified by the first business client (page 10, paragraph 0087).

Claim 9, wherein the quantity of the first and second level services provided is adjusted by a host of the first and second level services based upon the fulfillment of criteria specified by the first business client (page 10, paragraph 0087).

Claim 10, further comprising, subcontracting the first level services from a secondary hosting service (page 10, paragraph 0045).

Claims 11 and 21 are substantially similar to claim 1 and is therefore rejected under the same reasoning discussed for claim 1 above.

Claims 12 and 22 are substantially similar to claim 2 and is therefore rejected under the same reasoning discussed for claim 2 above.

Claims 13 and 23 are substantially similar to claim 3 and is therefore rejected under the same reasoning discussed for claim 3 above.

Claims 14 and 24 are substantially similar to claim 4 and is therefore rejected under the same reasoning discussed for claim 4 above.

Claims 15 and 25 are substantially similar to claim 5 and is therefore rejected under the same reasoning discussed for claim 5 above.

Claims 18 and 28 are substantially similar to claim 8 and is therefore rejected under the same reasoning discussed for claim 8 above.

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Claims 19 and 29 are substantially similar to claim 9 and is therefore rejected under the same reasoning discussed for claim 9 above.

Claims 20 and 30 are substantially similar to claim 10 and is therefore rejected under the same reasoning discussed for claim 10 above.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

9. Claims 6, 7, 16, 17, 26 and 27 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Alnwick U.S. Publication 2002/0007318.

Claim 6, Clemens teaches performing a transaction between a payor and payee (page 13, paragraph 0109). Clemens fails to teach wherein facilitating transaction comprises: identifying a purchasing need of the first business client; identifying the second business client as a vendor for the purchasing need of the first business client; and adjusting inventory records for the first and second business client. Alnwick teaches a method for ordering over the Internet in which a purchasing need of a buyer is identified from a vendor (page 4, paragraphs 0047-0057) and adjusting the inventory after an order is completed (page 5, paragraph 0076). Alnwick also teaches service levels for a customer (page 5, paragraph 0046). It would have been obvious to one of ordinary skill in the art at the time of the Applicant's invention to modify the teachings of Clemens to include the teachings of Alnwick because it provides it identifies a product desired by the buyer for which a payment between a payor and payee is processed.

Claim 7, wherein facilitating payment comprises: transferring appropriate sums from an account belonging to the first business client to an account belonging to the second business client (page 13, paragraph 0109).

Claims 16 and 26 are substantially similar to claim 6 and is therefore rejected under the same reasoning discussed for claim 6 above.

Claims 17 and 27 are substantially similar to claim 7 and is therefore rejected under the same reasoning discussed for claim 7 above.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stefano Karmis whose telephone number is (571) 272-6744. The examiner can normally be reached on M-F: 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alex Kalinowski can be reached on (571) 272-6771. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Respectfully Submitted
Stefanos Karmis
22 January 2007

